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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/572,228	02/08/2007	Andrew Davidson	2006982-0001	1255

24280 7590 02/04/2010  
CHOATE, HALL & STEWART LLP  
TWO INTERNATIONAL PLACE  
BOSTON, MA 02110

EXAMINER
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BERRY, WILLIE WENDELL JR

ART UNIT	PAPER NUMBER
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3652

NOTIFICATION DATE	DELIVERY MODE
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02/04/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@choate.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/572,228	<b>Applicant(s)</b> DAVIDSON ET AL.	
	<b>Examiner</b> WILLIE BERRY	<b>Art Unit</b> 3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/07</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Specification***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

In the instant case, the abstract is objected for its use of legal phraseology.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patent Number 6,652,215 to Parker et al. '215 (published 5/18/00).

Regarding claim 1, Parker et al. discloses a pack holding means (8), means to transfer (2) the pack (32) into and out of alignment with an operating position (col. 4, lines 26-31; Note: when the drum [2] is rotated 45 degrees or between work positions A, B, C and D it is out of alignment with the operating position), a lidding material cutting means (36) and a blister punching means (38).

Parker et al. does not disclose the specific location of the lidding material cutting means and a blister punching means.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to position the lidding material cutting means and a blister punching means on opposing sides, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

Regarding claim 2, Parker et al. discloses a pack holding means with indentations (12).

Regarding claim 3, Parker et al. discloses a pack holding means with holes (13).

Regarding claim 4, Parker et al. discloses a pack holding means with retaining (2) and restraining (vacuum pressure at col. 4, lines 12-15) means.

Regarding claim 5, Parker et al. discloses a plate transfer means (2).

Regarding claim 6, Parker et al discloses a plate transfer means (2) that moves the pack holding means (8) into and out of alignment of the operating position.

Regarding claim 7, Parker et al. discloses a plate transfer (2) guided in its movement by an arm (4).

Regarding claim 8, Parker et al. discloses a pack holding means moveable into an out of alignment of the operating position in one movement (col. 4, lines 26-31; Note: when the drum [2] is rotated 45 degrees or between work positions A, B, C and D it is out of alignment with the operating position).

Regarding claim 9, Parker et al. discloses a pack holding means (8) moveable when out of alignment with the operating position (col. 3, lines 30-38).

Regarding claim 10, Parker et al. discloses a number of cutting pieces (36).

Regarding claim 11, Parker et al. discloses a carrier plate (shown in the figure 1 below) and cutting pieces (36 and col. 4, lines 20-23).

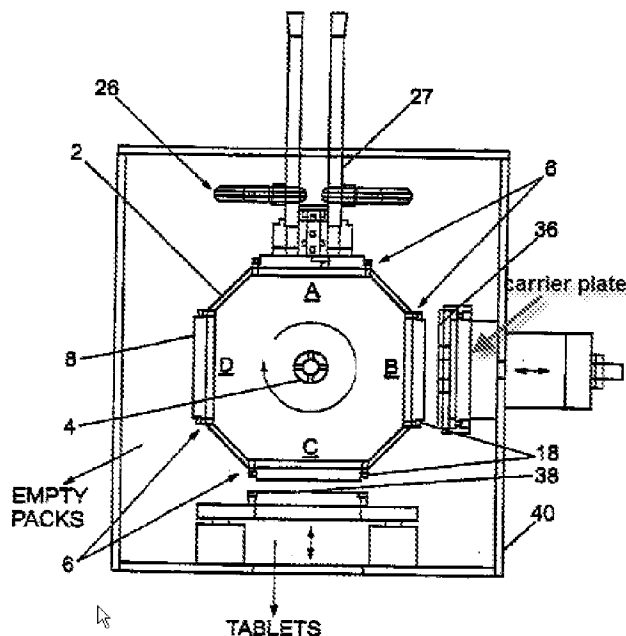


Fig. 1

Art Unit: 3652

Regarding claim 12, Parker et al. discloses cutting pieces in a pattern (col. 4, lines 20-23; Note: as explained in the referenced section the cutting pieces are in a pattern similar to the blister pack disclosed).

Regarding claim 13, Parker et al. discloses a cutting means (36) that is capable of being changeable.

Regarding claim 14, Parker et al. discloses a lidding material cutting means movable between a rest position and a cutting position (col. 4, lines 15-23 and see figure 1).

Regarding claim 15, Parker et al. discloses a blister punching means (hydraulic ram) that acts indirectly on the blisters (col. 5, lines 5-15).

Regarding claim 16, Parker et al. discloses a pack holding means (8) in a vertical position in the operating position (see figure 2).

Regarding claims 17-22, the recited method steps for deblistering a pharmaceutical blister pack having a number of product blisters covered by a lidding material are considered obvious in view of Parker et al. since Parker et al. discloses all of the claimed structural limitations in the claims.

Regarding claim 23, Parker et al. discloses the structure of the claim as discussed supra.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIE BERRY whose telephone number is (571)272-6191. The examiner can normally be reached on Mon-Fri, 11:30-8pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saul Rodriguez can be reached on (571)272-7097. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Saúl J. Rodríguez/  
Supervisory Patent Examiner, Art  
Unit 3652

Wbj.